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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,463	03/12/2004	Harold J. Brown	8336.002	6111

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EXAMINER

CARTER, WILLIAM JOSEPH

ART UNIT PAPER NUMBER

2875

DATE MAILED: 08/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/798,463	<b>Applicant(s)</b> BROWN ET AL.	
	<b>Examiner</b> William J. Carter	<b>Art Unit</b> 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133)..
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20 is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-19 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>03/12/04</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Objections*

Claim 11 is objected to because of the following informality: "an slot" should be replaced with "a slot" to read with proper grammar. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,4-7,10,14,17,18, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Fallon (5,541,823).

With respect to claim 1, Fallon teaches a light fixture (10) comprising a bracket assembly comprising a channel bracket (Fig. 4 channel that is inset for item 55) adapted to extend from a wall, a lighting device (28) adapted to extend from said wall, and a light shelter (24) having a retaining lip (55) corresponding to said channel bracket, wherein said light shelter retaining lip engages said channel bracket so that a substantially watertight seal (Column 3 lines 66-67) is created between said retaining lip and said channel bracket, said light shelter being positioned to at least partially enclose (24) said lighting device.

With respect to claim 2, Fallon shows, in Figure 4, the light fixture in an installed position, said lighting device (28) is enclosed on all horizontal sides.

With respect to claim 4, Fallon shows, in Figure 4, a channel bracket with a cross-sectional "U" shape (channel that is inset for item 55).

With respect to claim 5, Fallon shows, in Figure 4, a light fixture in an installed position with a channel bracket having an inverted "U" shape (24).

With respect to claim 6, Fallon shows, in Figure 4, a channel bracket comprised of a planar panel having a raised containment lip (channel that is inset for item 55).

With respect to claim 7, Fallon shows, in Figure 4, a bracket assembly further comprises a base plate (12), said lighting device (28) being connected to a wall through said base plate.

With respect to claim 10, Fallon shows, in Figure 4, a light shelter (24) having an essentially hemispherical horizontal cross section, and a vertically elongated cylindrical profile.

With respect to claim 14, Fallon teaches, a light shelter made from plastic (column 2, lines 35-37).

With respect to claim 17, Fallon shows, in figure 7, a lighting device comprises a light socket (52) and light bulb (28).

With respect to claim 18, Fallon teaches a lighting device that remains dry when said light fixture is subjected to rain (column 3, lines 66-67).

With respect to claim 19, Fallon shows, in figure 6, a base plate (12) that is planar and rectangular.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fallon (5,541,823) in view of Eaton (5,136,484).

With respect to claim 3, Fallon teaches the invention set forth above except for the claimed light shelter is open below the lighting device and closed above. Eaton teaches that it is well known to use light shelters that are open below the lighting device and closed above (figure 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the light shelter of Fallon with the opening in the light shelter taught by Eaton in order to drain any water or outdoor elements that would enter the lighting unit (Abstract, lines 2-6).

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fallon (5,541,823) in view of Hunt (4,199,803).

With respect to claim 8, Fallon teaches the invention set forth above except for the claimed channel bracket being molded into the surface of the said base plate so that the base plate and channel bracket comprise a single unitary component. In Figure 3 Hunt shows it is well known to use brackets (11) that are molded into base plates (20) in light fixtures. It would have been obvious to one of ordinary skill in the art at the time the

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invention was made to modify the bracket and base plate of Fallon into the single unit of Hunt in order to create a light fixture with fewer pieces for simple set-up and maintenance.

Claims 9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fallon (5,541,823) in view of Terrell (4,380,792).

With respect to claim 9, Fallon teaches the invention set forth above except for the claimed Channel bracket having an arcuate configuration. In Figure 2 Terrell shows it is well known to use arcuate channels (56) for the purpose of mounting in a light fixture. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the channel of Fallon with the arcuate channel of Terrell in order to provide an easy and stable form of mounting for a lighting unit (Brief Summary, paragraph 2 and Detailed Description, line 1).

With respect to claim 12, Fallon teaches the invention set forth above except for the claimed light shelter being supported vertically solely from resting on a corresponding arcuate channel bracket. In Figure 2 Terrell shows it is well know to use arcuate channels (56) as the sole means of support in a light fixture. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the light shelter of Fallon with the arcuate channel of Terrell in order to provide an easy, stable, and sole means of mounting for a lighting unit (Brief Summary, paragraph 2 and Detailed Description, line 1).

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fallon (5,541,823) in view of Ohm (1,737,265).

With respect to claim 13, Fallon teaches the invention set forth above except for the claimed light shelter being supported by connecting to a wall solely by engagement of said light shelter with said channel bracket. In Figure 1 Ohm shows it is well known to use brackets (7) as a sole means of engaging a light shelter (4) to a wall in a light fixture. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the light shelter of Fallon with the bracket of Ohm in order to provide a simple means for mounting light shelter on a light fixture in a secure manner (lines 6 and 7).

Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fallon (5,541,823) in view of Graham (4,984,138).

With respect to claim 15, Fallon teaches the invention set forth above except for the claimed base plate being comprised of metal. In Figure 3 Graham shows it is well known to use metal to comprise the base plate (38) of a lighting apparatus. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the base plate of Fallon with the base plate of Graham in order to produce a strong but lightweight base plate.

With respect to claim 16, Fallon teaches the invention set forth above except for the claimed base plate being comprised of aluminum. In Figure 3 Graham shows it is well known to use aluminum to comprise the base plate (38) of a lighting apparatus. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the base plate of Fallon with the base plate of Graham in order to produce a strong but lightweight base plate.

***Allowable Subject Matter***

Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: In regard to claim 11 the prior art does not teach or suggest a light shelter having one flat vertical side and three rounded vertical sides, a flat vertical side including a slot having an arcuate upper portion.

Claim 20 is allowed. In regard to claim 20 the prior art does not teach or suggest a base plate, a lighting device connected to the base plate, a bracket projecting from said base plate, the bracket comprising a "U" shaped channel, the bracket disposed on the base plate so that the bracket partially encircles the lighting device, and a light shelter having a retaining lip disposed along the light shelter perimeter, the light shelter having a secure connection with the bracket to create a watertight seal between the bracket and the light shelter, the light shelter being supported solely by the bracket, the light shelter partially enclosing the lighting device.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Carter whose telephone number is (571)272-0959. The examiner can normally be reached on Monday through Friday.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee S. Luebke can be reached on (571)272-2009. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

wjc  
8/1/05

  
RENEE LUEBKE  
PRIMARY EXAMINER